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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,652	08/28/2003	Hahn Vo	200300017-1	7276

22879 7590 10/03/2007  
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EXAMINER
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YU, HENRY W

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/650,652

Applicant(s)

VO, HAHN

Examiner

Henry Yu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The instant application having Application No. 10/650,652 has a total of 28 claims pending in the application; there are 6 independent claims and 22 dependent claims, all of which are ready for examination by the examiner.

#### **I. INFORMATION CONCERNING OATH/DECLARATION**

##### ***Oath/Declaration***

1. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

#### **INFORMATION CONCERNING DRAWINGS**

##### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: item 142 in FIG. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **OBJECTIONS TO THE SPECIFICATION**

### ***Specification***

3. The disclosure is objected to because of the following informalities:

On [Page 3, paragraph 0008], there exist a sentence that discloses "*ports 130-136*," though the accompanying figure discloses ports 130-138.

On [Page 3, paragraph 0009], there exist a sentence that discloses "*ports 130-128*," though the accompanying figure discloses ports 130-138.

On [Page 4, paragraph 0011], there exist a sentence that discloses "*sub-port 138*." However, item 138 pertains to the entire port with sub-ports 138a and 138b.

Appropriate correction is required.

### ***Claim Objections***

4. **Claims 9 and 23-24** are objected to because of the following informalities:

**Claim 9** discloses "*said switch*" on line 3, though earlier in the claim on line 1 a "*network switch*" is disclosed.

**Claim 23** discloses "*said switch*" on line 4, through earlier in the claim on line 2 a "*multi-port switch*" is disclosed. The same wording problem applies to **claim 24** (line 2).

Appropriate correction is required.

**REJECTIONS NOT BASED ON PRIOR ART**

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 11** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 11** discloses "said devices" on line 1. However, it is unclear if the "devices" refers to the "single device" on line 6 of **claim 10** or the "plurality of separate devices" on line 7. Examiner assumes, for the purpose of examination, that "said devices" refers to "plurality of separate devices".

**REJECTIONS BASED ON PRIOR ART**

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-9, 14-21, and 27-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Niizuma et al. (Patent Number US 6,338,105 B1).

As per **claim 1**, Niizuma et al. discloses "an electronic device, comprising: control logic (***port controller and frame controller; FIG. 21***)" and "a plurality of ports (***FIG. 5***,

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**6, and 21) configurable by said control logic as determined by a programmable register (instruction register whose contents are used by the port controller and frame controller; Column 24, lines 23-27 and 35-36), wherein each of said ports is configurable to operate as a single communication link to a single device or as a plurality of independent communication links to a plurality of devices (each port is configured to handle varying numbers of device functions. The example in FIG. 6 show ports handling anywhere from one to four device functions)."**

As per **claim 2**, Niizuma et al. discloses "said programmable register can be written to specify a configuration for each port (contents of the instruction register is used by the port controller for controlling ports involved in data transmission and reception (Column 24, lines 23-27 and 35-36). There also exists an internal register that stores AP bit composition which includes bits specifying port settings; Column 38, lines 65-67; Column 39, lines 1-3)."

As per **claim 3**, Niizuma et al. discloses "each port may have a configuration that differs from at least one other port (each port is configured to handle varying numbers of device functions; FIG. 6)."

As per **claim 4**, Niizuma et al. discloses "each port is configurable to one of a plurality of configurations by a plurality of bits associated with that port (an AP bit composition is held in an internal register. The AP bit composition consists of port setting bits (for each port) and other configuration bits relating to devices connected to a particular port; Column 38, lines 65-67; Column 39, lines 1-33)."

As per **claim 5**, Niizuma et al. discloses "said plurality of configurations includes a single communication link configuration and a multi-communication link configuration **(the AP bit compositions includes bits relating to connected devices to a port (LM), which specifies whether there is only a base device connected or more than one device connected to a particular port; Column 39, lines 44-53).**"

As per **claim 6**, Niizuma et al. discloses "said multi-communication link configuration includes a two communication link configuration and a four communication link configuration **(the host ports can be configured to handle two device functions (e.g. for port B) or four device functions (e.g. for port D); FIG. 6).**"

As per **claim 7**, Niizuma et al. discloses "said multi-communication link configuration further includes a three communication link configuration **(the host ports can be configured to handle three device functions (e.g. for port A); FIG. 6).**"

As per **claim 8**, Niizuma et al. discloses "each port is configurable to operate as a single communication link, a pair of independent communication links or four independent communication links **(the host ports can be configured to handle two device functions (e.g. for port B), three device functions (e.g. for port A), or four device functions (e.g. for port D); FIG. 6).**"

As per **claim 9**, Niizuma et al. discloses "said device comprises a network switch that is adapted to receive port configuration information from a computer coupled to said switch **(contents of the instruction register is used by the port controller for controlling ports (Column 24, lines 23-27 and 35-36), with the instructions being sent from an application through the main bus; FIG. 21; Column 24, lines 23-27).**"

As per **claim 14**, Niizuma et al. discloses "a switch, comprising: control logic **(port controller and frame controller; FIG. 21)**" and "a plurality of ports coupled to said control logic **(FIG. 5, 6, and 21).**" Niizuma et al. also discloses "means for selectively configuring each of said ports to operate as a single communication link to a single device or as a plurality of communication links each to a separate device **(each port is configured to handle varying numbers of device functions. The example in FIG. 6 show ports handling anywhere from one to four device functions).**"

As per **claim 15**, Niizuma et al. discloses "said means includes means for selectively configuring each port to operate as two or four communication links **(the host ports can be configured to handle two device functions (e.g. for port B) or four device functions (e.g. for port D); FIG. 6).**"

As per **claim 16**, Niizuma et al. discloses "said means includes means for configuring each port differently than at least one other port **(each port is configured to handle varying numbers of device functions; FIG. 6).**"

As per **claim 17**, Niizuma et al. discloses "a switch **(host)**, comprising: a plurality of ports adapted to couple to a plurality of network devices **(a plurality of device functions)**, each port providing at least one communication link **(each port can be connected to at least one device function; FIG. 6).**" Niizuma et al. discloses "control logic operable to configure the switch to dynamically vary the number of communication links associated with at least one port **(instruction register whose contents are used by the port controller and frame controller (Column 24, lines 23-27 and 35-36), where depending on the devices being connected to a particular port influences**



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**the configuration of the AP bit compositions associated with each port; Column 38, lines 65-67; Column 39, lines 1-3).**"

As per **claim 18**, Niizuma et al. discloses "three or more links are configured with the at least one port **(the host ports can be configured to handle three device functions (e.g. for port A) or more; FIG. 6).**"

As per **claim 19**, Niizuma et al. discloses "a port comprises a single communication link and the at least one port comprises at least two independently operable communication links **(the host ports can be configured to handle one device function (e.g. for port C) or two device functions (e.g. for port B); FIG. 6).**"

As per **claim 20**, Niizuma et al. discloses "the at least one port comprises at least three independently operable communication links **(the host ports can be configured to handle three device functions (e.g. for port A); FIG. 6).**"

As per **claim 21**, Niizuma et al. discloses "each port is programmable to have a different number of communication links than at least one other port **(each port is configured to handle varying numbers of device functions; FIG. 6).**"

As per **claim 27**, Niizuma et al. discloses "a method, comprising: determining the number of devices coupled to a switch port **(the host must discover whether a base device or expansion device is connected to any of the ports; Column 40, lines 43-46);** and programming said switch port to provide two or more independent communication links if said number is greater than one **(an AP bit composition consists of port setting bits (for each port) and other configuration bits relating to**

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**devices connected to a particular port; Column 38, lines 65-67; Column 39, lines 1-33).**"

As per **claim 28**, Niizuma et al. discloses *"the switch port includes conductors (conductors SDCKA and SDCKB as they relate to each port; FIG. 63) and wherein programming the switch port includes causing said two or more independent communication links to be formed using at least some of the conductors that are used if only a single device couples to said switch port (in the situation where a base device and several expansion devices are connected at a single port, there exist identification numbers associated with the connected point that allows for each device to be accessed directly; Column 34, lines 37-41)."*

### **Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 10-13 and 22-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Niizuma et al. (Patent Number US 6,338,105 B1) in view of McConnell et al. (Publication Number US 2003/0120852 A1).

As per **claim 10**, Niizuma et al. discloses *"a multi-port switch, comprising: a processor (port controller and frame controller, which is connected to a plurality of ports; FIG. 21)"* and *"a plurality of ports configurable by said processor (instruction*

**register whose contents are used by the port controller and frame controller (Column 24, lines 23-27 and 35-36), with the instructions being sent from an application through the main bus; FIG. 21; Column 24, lines 23-27) and wherein each of said ports is configurable to operate as either a single communication link to a single device or as a plurality of sub-ports to a plurality of separate devices (each port is configured to handle varying numbers of device functions. The example in FIG. 6 show ports handling anywhere from one to four device functions).**" However, Niizuma et al. does not explicitly disclose "each port adapted to couple to a device to form at least part of a network."

McConnell et al. discloses "each port adapted to couple to a device to form at least part of a network **(each channel allows for commands and data messages to flow between two connected nodes within the data network; Page 2, paragraph 0024).**"

Niizuma et al. and McConnell et al. are analogous art in that they address the area of device connection and port/channel configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the multi-port switch as disclosed by Niizuma et al. into a network environment as disclosed by McConnell et al.

Niizuma et al. shows that the amount of functionality can increase if a port can be associated with more than one function per port **(Column 12, lines 63-67; Column 13, lines 1-2 and 12-24)**, which is especially helpful in systems with a limited number of physical ports. McConnell et al. expands on this idea by disclosing "one or more

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*channel adaptors may be advantageously installed at a host system to expand the number of ports available for redundancy (Page 5, paragraph 0049)" and enable more connectivity (Page 5, paragraph 0066).*

As per **claim 11**, the combination of Niizuma et al. and McConnell et al. discloses "the switch" (see rejection to **claim 10** above). Niizuma et al. further discloses "one of said devices transmits configuration information to said switch, said configuration specifying how each port is to be configured (**using Device Status, a device function can allow the host to determine the connection relationship and device attributes, and allocates and AP to the device function (Column 18, lines 24-27). The AP bit composition includes bits specifying port settings; Column 38, lines 65-67; Column 39, lines 1-3).**"

As per **claim 12**, the combination of Niizuma et al. and McConnell et al. discloses "the switch" (see rejection to **claim 10** above). McConnell et al. further discloses "the ports can be configured dynamically while the switch is operating to route packets between devices coupled to said switch (**requests for work may be posted to queue pairs associated with a given channel. Also, one or more channels may be created and effectively managed so that requested operations can be performed (emphasis on second point as it shows that the switch can be configured as data is being posted; Page 5, paragraph 0049).**"

As per **claim 13**, the combination of Niizuma et al. and McConnell et al. discloses "the switch" (see rejection to **claim 10** above). Niizuma et al. further discloses "each

*port is configurable to operate as at least three sub-ports (the host ports can be configured to handle three device functions (e.g. for port A); FIG. 6)."*

As per claim 22, Niizuma et al. discloses "the switch" (see rejection to claim 17 above). However, Niizuma et al. does not explicitly disclose "each port is programmable to have a communication link having a width that is different from a width that is programmable in at least one other communication link."

McConnell et al. discloses "each port is programmable to have a communication link having a width that is different from a width that is programmable in at least one other communication link (there exist multiple port width configuration; Page 7, paragraph 0068)."

Niizuma et al. and McConnell et al. are analogous art in that they address the area of device connection and port/channel configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the multi-port switch as disclosed by Niizuma et al. to include a means of providing for varying bandwidths per channel as disclosed by McConnell et al.

McConnell et al. expands on this idea by disclosing "one or more channel adaptors may be advantageously installed at a host system to expand the number of ports available for redundancy (Page 5, paragraph 0049)" and enable more connectivity (Page 5, paragraph 0066). Also, the ability to vary the system's configuration allows a user to have greater flexibility with regard to the system's operations for various circumstances.

As per **claim 23**, Niizuma et al. discloses “each port can be programmed to provide a plurality of independently operable links to at least some of said network devices, each port also being programmable to provide a single communication link to only a single network device (**each port is configured to handle varying numbers of device functions. The example in FIG. 6 show ports handling anywhere from one to four device functions**).” Though Niizuma et al. discloses a plurality of ports (**FIG. 6**), Niizuma et al. does not explicitly disclose “a network” or “a plurality of network devices coupled to said switch and in communication with each other via said switch.”

McConnell et al. discloses “a network, comprising: a multi-port switch (**FIG. 1 and 2**)” and “a plurality of network devices coupled to said switch and in communication with each other via said switch (**channels exist which allow commands and data messages to flow between two connected nodes within the data network; Page 2, paragraph 0024**).”

Niizuma et al. and McConnell et al. are analogous art in that they address the area of device connection and port/channel configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the multi-port switch as disclosed by Niizuma et al. into a network environment as disclosed by McConnell et al.

Niizuma et al. shows that the amount of functionality can increase if a port can be associated with more than one function per port (**Column 12, lines 63-67; Column 13, lines 1-2 and 12-24**), which is especially helpful in systems with a limited number of physical ports. McConnell et al. expands on this idea by disclosing “one or more

*channel adaptors may be advantageously installed at a host system to expand the number of ports available for redundancy (Page 5, paragraph 0049)" and enable more connectivity (Page 5, paragraph 0066).*

As per claim 24, the combination of Niizuma et al. and McConnell et al. discloses "the network" (see rejection to claim 23 above). Niizuma et al. further discloses "one of said network devices provides programming information to said switch to program said ports (using Device Status, a device function can allow the host to determine the connection relationship and device attributes, and allocates and AP to the device function (Column 18, lines 24-27). The AP bit composition includes bits specifying port settings; Column 38, lines 65-67; Column 39, lines 1-3)."

As per claim 25, the combination of Niizuma et al. and McConnell et al. discloses "the network" (see rejection to claim 24 above). Niizuma et al. further discloses "each port can be programmed to provide one, two, three or four independent communication links (the host ports can be configured to handle one device function (e.g. port C), two device functions (e.g. for port B), three device functions (e.g. for port A), or four device functions (e.g. for port D); FIG. 6)."

As per claim 26, the combination of Niizuma et al. and McConnell et al. discloses "the network" (see rejection to claim 24 above). Niizuma et al. further discloses "the port includes a plurality of conductors (conductors SDCKA and SDCKB as they relate to each port; FIG. 63) and wherein said two, three and four communication links are formed using at least some of the same conductors that are used when the port provides only a single communication link (in the situation where a base device and

*several expansion devices are connected at a single port, there exist identification numbers associated with the connected point that allows for each device to be accessed directly; Column 34, lines 37-41)."*

#### **RELEVANT ART CITED BY THE EXAMINER**

11. The following prior art made of record and relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

12. The following references teach data transfer as they pertain to port/interface configuration:

#### **U.S. PATENT NUMBERS:**

4,868,783

6,973,508 B2

#### **CLOSING COMMENTS**

#### ***Conclusion***

##### **a. STATUS OF CLAIMS IN THE APPLICATION**

13. The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P 707.07(i)**:

##### **a(1). CLAIMS REJECTED IN THE APPLICATION**

14. Per the instant office action, claims 1-28 have received a first action on the merits and are subject of a first action non-final.



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15. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Yu whose telephone number is (571) 272-9779. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 24, 2007  
HY

TANH Q NGUYEN  
PRIMARY EXAMINER  
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Henry Yu  
Art Unit 2182

*[Handwritten signature]*  
September 27, 2007